

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS,  
EASTERN DIVISION**

FRANCISCO BENITEZ,

*Plaintiff,*

V.

JEROME BOGUCKI, RAYMOND SCHALK,  
PAUL ZACHARIAS, LEE EPLEN, the CITY  
OF CHICAGO, GAIL FEIGER, and COOK  
COUNTY,

*Defendants.*

Case No.: 23-cv-16896

Hon. Mary M. Rowland

**CITY DEFENDANTS' JOINT MOTION FOR LEAVE TO JOIN DEFENDANT  
FEIGER'S MOTION TO DISMISS COUNT IX OF PLAINTIFF'S AMENDED  
COMPLAINT**

NOW COME City Defendants BOGUCKI, SCHALK, ZACHARIAS, and EPPLEN, by and through their attorneys, Steven B. Borkan, Timothy P. Scahill, Misha Itchhaporia, Whitney N. Hutchinson, Molly E. Boekeloo, and Kathryn E. Boyle, of BORKAN & SCAHILL, LTD., and Defendant CITY OF CHICAGO, by and through its attorneys, Terrence M. Burns of BURNS NOLAND, LLP, and pursuant to Fed. R. Civ. P. 12(b)(6) and 12(g) seeks leave to join Defendant FEIGER's Motion to Dismiss Count IX of Plaintiff's Amended Complaint. City Defendants incorporate by reference as it fully incorporated herein Defendant Feiger's Motion to Dismiss Count IX of Plaintiff's Amended Complaint. (Dkt. #52).

WHEREFORE, City Defendants, Bogucki, Schalk, Zacharias, Epplen and the City of Chicago, respectfully request that this Honorable Court enter an order dismissing Count IX of Plaintiff's Amended Complaint with prejudice, as well as those portions of Count XI and XII that seek vicarious relief pursuant to the allegations of that count, and whatever additional relief this Honorable Court deems just.

By: /s/ Paul A. Michalik

By: /s/ Misha Itchhaporia

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